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ABSTRACT

The report summarizes major presentations from a 1977 conference of state officials on P.L. 94-142, the Education for All Handicapped Children Act. Topics covered include special education practices such as due process and mainstreaming, as well as dissemination factors. (CL)

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PUBLIC LAW 94-142/A TOPICAL CONFERENCE

with invitations extended to

Dissemination Representatives
Of Chief State School Officers

State Directors of Special Education
Or Their Designates

The Study Commission
of the
Council of Chief State School Officers

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CONFERENCE SUMMARY

The Education for All Handicapped Children Act of 1975 (P.L. 94-142) is now acknowledged as one of the most important federal education laws in more than a decade. By guaranteeing the right of all handicapped children to "free, appropriate public education," the law capped a virtual revolution in the education and care of handicapped young people.

Before the 1970's, severely handicapped children were shut away in state homes where the emphasis was on custodial care, not education. Those with less profound handicaps such as dyslexia, emotional disturbance, or mild mental retardation were often simply branded as "slow" or "troublemakers" -- and ignored. No one doubts that the nation's schools have come a long way since then. But it is still relatively easy for Congress to issue such a sweeping proclamation. It is, however, the task of educators to turn this promise into reality.

As with any great change in social services, progress is evolutionary. Some states have far better special education programs than others. In each state, some school districts provide excellent services for handicapped children, while others do poorly. And even an individual

school may be a model for "mainstreaming" mildly retarded children in regular classes but do a very poor job of identifying students with learning disabilities.

With this in mind, Congress made two key decisions in writing P.L. 94-142. It put state education agencies (SEAs) in charge of monitoring compliance with the law, and it stated that each SEA must develop "effective procedures for acquiring and disseminating to teachers and administrators... significant information derived from education research, demonstration and similar projects." Both decisions made good political and educational sense. The states, not the federal government, have legal responsibility for education. And if school districts and their teachers are going to improve their services to handicapped children -- without each reinventing the wheel -- states need to disseminate information on exemplary programs and projects.

In February 1977, two groups of state officials responsible for carrying out this mandate of P.L. 94-142 -- state special education directors and state dissemination representatives -- met for a three-day conference in Boston. The meeting, sponsored by the National Dissemination Leadership Project (NDLP) and assisted by the Teacher Education/Special Education Project, was an attempt to bring together individuals who, while they may have overlapping responsibilities, have in many cases been working autonomously in the same state education agency.

The formal agenda of the conference sought to brief each group on the work of the other -- to tell special educators about the array of

federal and state dissemination programs, and to tell disseminators about the requirements of P.L. 94-142. This report will touch on the major presentations in each area.

SPECIAL EDUCATION

The Education for All Handicapped Children Act (P.L. 94-142) is considered unique among federal education laws because it includes stringent and detailed requirements that states and school districts must follow. Other federal education laws (Title I of the Elementary and Secondary Education Act, for example) state that federal funds must be used to provide supplementary education for disadvantaged children, but how it is done is left largely to state and local officials. The detailed nature of P.L. 94-142 means, first of all, that administrators, principals and teachers must learn of its requirements -- a dissemination problem in itself.

The basic mandate of P.L. 94-142 is that by September 1, 1978, all handicapped children ages 6-17 must receive a "free, appropriate" public education. In September 1980, the requirement expands to include all such children between ages 3 and 21. What are the handicaps in question? Mental retardation, deafness, blindness, emotional disturbance, "orthopedic impairments" and learning disabilities. Disabilities that are primarily the result of "economic, social or cultural disadvantage" are not included. In 1977, the states reported a total of about

3.6 million children being served in special education, about 7 percent of the school population.

Two key requirements of the law were discussed at the conference by federal and state officials: each handicapped child must have an "individualized education program" (IEP), and each child must be "mainstreamed" when possible. The IEP, an example of a stingent requirement found nowhere else in federal education law, represents a fundamental change for many teachers. The law states that at the beginning of each school year, the handicapped child's regular classroom teacher, special education teacher, principal and parents must meet to draw up the plan for the year. This plan must include "(a) a statement of the present levels of education performance of such child, (b) a statement of annual goals, including short-term objectives, (c) a statement of specific education services to be provided to such child and the extent to which such child will be able to participate in regular educational programs, (d) the projected date for initiation and anticipated duration of such services, and (e) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved."

William Schipper, associate director of the National Association of State Directors of Special Education (NASDSE), said the IEP is considered another headache by many teachers, partly because of "misconceptions"

about it. It is intended to be a management plan, which becomes the basis for lesson planning by the teachers." Teachers who have been using the IEP or something like it for several years acknowledge that it is an effective tool for planning instruction, he said.

He and Julian Stein of the American Alliance for Health, Physical Education and Recreation noted that the law specifically mentions the need for handicapped children to have physical education. But studies show that only 20 percent of these children are now getting physical Education, partly because it is now being included in the IEP, Stein said.

The law also states that "to the maximum extent appropriate," handicapped children should be educated with nonhandicapped children. "Special classes, separate schooling or other removal of handicapped from regular education environments should occur only when the nature of severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." This is the much talked about mainstreaming provision in the law. As National Education Association President John Ryor once noted, mainstreaming seems as "American as apple pie and hot dogs," but most teachers aren't prepared to handle blind, retarded or emotionaly disturbed children. Although federal and state officials are sharply divided on how much inservice education is needed for regular teachers, almost everyone agrees that teachers need some preparation or "sensitizing"

before they can serve large numbers of handicapped students effectively.

P.L. 94-142 states that each state must have "a comprehensive system of personnel development," including "inservice training of general and special education personnel." This, too, is an area where state special education personnel may need the services of a state dissemination office.

Tom Irvin, an official in the U.S. Office of Education Bureau of Education for the Handicapped (BEH) and chief author of the regulations on P.L. 94-142, told the conferees about the "due process" requirements in the law. The Congressional committees that wrote the law were especially concerned that parents of handicapped children know and understand their rights in dealing with public education officials. For example, the law states that parents must be informed and give permission before their child can be evaluated to see if he/she needs special education. Testing must be "nondiscriminatory" and multi-faceted, and placements in a special class must be determined by a group of educators, not by an individual. If parents disagree with a placement decision, they may contest it through an informal or formal appeals process.

What if a child doesn't have a parent? Sister Judith Carey, chairperson of Connecticut's Surrogate Parent Task Force, said her group furnishes parents for children whose true parents are "unavailable." The actual appointment is made by a juvenile court judge. P.L. 94-142

requires that a handicapped child have a parent, guardian or surrogate to represent him or her in difficult placement and education decisions.

And what about Section 504? This one sentence amendment to the Rehabilitation Act of 1973 became a center of controversy in Washington in 1977 because HEW, four years after the law was passed, had not published regulations to put it into effect. Groups of handicapped persons picketed the department's offices around the country. The section states: "No otherwise qualified handicapped individual in the United States ... shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

This is a standard civil rights statement, but the regulations, as finally issued by HEW Secretary Joseph Califano, match the regulations on P.L. 94-142 almost word for word. What that means legally is that states and school districts must comply with all the requirements of P.L. 94-142 or stand to lose all their federal funds, not just those for educating handicapped persons.

DISSEMINATION

The special education officials also heard a series of briefings on dissemination. First, what are we talking about when we say dissemination? The Dissemination Analysis Group described a four-tiered

definition for dissemination. It includes:

1. Spread. This is the "one-way casting out of knowledge in all its forms." P.L. 94-142 has several requirements that fall under this first definition of dissemination. For example, school systems need to inform parents and guardians of handicapped children of their rights and responsibilities under the law. This usually means putting together a brochure that hopefully is well-written, attractive and carries the essential message.

2. Exchange. "Exchange means the two-way flow of information, products or ideas," including "needs assessing, needs sensing or sharing activities such as feedback from peers." This, too, is an important area of activity for state special education offices. For example, to develop an inservice training program, SEAs need to get feedback from teachers on their needs for training in special education.

3. Choice. This is helping teachers and school officials "select among those ideas, materials, research and development products, effective education practices and other knowledge that can be used for the improvement of education." Examples include the training of decisionmakers, searches of resource bases, visits to a variety of demonstration sites, or catalogs comparing alternative programs. One frequently hears from local school officials that there has been an explosion of products and projects in special education, but how can you choose which is best for your school?

4. Implementation. This involves "the facilitation of adoption, installation and the ongoing utilization of improvements." Once a school or a school district decides to implement a new program in special education, it may need the help of those who set up the original one. The dissemination is not complete unless the adopting district can be helped as it goes through the transition phase.

Special education is not one field, but a score of often complex specialties no regular classroom teacher can be expected to learn. So teachers need a source of information they can depend on to answer questions. For example, how can a teacher determine if a child in his or her class has dyslexia? And how can this child be taught to read despite this learning disability? Similarly, what school projects or techniques have been especially successful in identifying and teaching dyslexic children? Problems such as these obviously require a series of local and state specialists for the teacher to fall back on. But they also point out the need for a resource base that has the answers on the latest in research and exemplary practice.

At the center of the National education dissemination program is the Education Resource Information Center, familiarly known as ERIC. Begun in 1965, ERIC is a computerized system to store and make available education research reports, journal articles and the like. The system is now funded by the National Institute of Education and operates through 16 clearinghouses, set up by subject area. The ERIC

Clearinghouse on Handicapped and Gifted Children is located at the headquarters of the Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091, (703) 620-3660. Many of the state information banks are tied into the ERIC system.

NIE also has boosted the state's ability to disseminate research results through its "capacity building" grants. These grants, extending over three to five years, allow SEAs to design or expand upon their dissemination efforts. The activities are as varied as the states themselves. The Texas Information Program, to take one example, has a staff of seven in the SEA who handle questions for educators across the state. To go back to the example of the teacher of a dyslexic student, the system can tie that teacher into what researchers across the nation have discovered about dyslexia and what other teachers are doing to serve these children. Many of the state information systems also operate through the state library system, thus expanding their access to the education community.

Other dissemination activities include compiling reports that summarize research on an issue of interest, holding seminars or workshops on an important issue (a common way to convey information about P.L. 94-142) or holding "education fairs" to display the latest products or techniques in different areas of education.

One of the U.S. Office of Education's most successful and cost-effective programs, according to an independent evaluation, is the

National Diffusion Network (NDN). The NDN is not a broad scale approach to dissemination, but is rather a coordinated and focused system to help school districts select and implement new products or practices. Officials from USOE and NIE make up what is called the Joint Dissemination Review Panel to analyze federally funded demonstration projects in many areas -- reading, vocational education, bilingual education, special education and many more. If they are judged to be successful, cost-effective and capable of being replicated elsewhere, the projects can be approved as exemplary ones and are then eligible for NDN support. Three kinds of grants are awarded. "Developer/demonstrator" grants go to the originators of the successful project and allow them to provide materials, training and demonstration for others interested in the project. A second type of grant, for "facilitators," typically goes to a state or regional education agency to link developers and interested educators. The agency may, for example, develop a catalog of exemplary projects or hold an "education fair" to display exemplary products and projects. A third type of grant, for "adopters," helps defray the cost of taking on a new product or practice. A recent evaluation of NDN by the Stanford Research Institute found that more than 1,000 innovations had been adopted by school districts in two years of NDN support.

Thomas Vodola told of how an NDN grant helped spread his Project ACTIVE -- an individualized physical education program for handicapped

children -- to 1,795 public and nonpublic school districts in 19 states. The project was validated by the review panel in 1974. Since then, with a developer grant, Vodola has conducted "awareness or training programs" in 40 states, worked with about 1,700 teachers and administrators, established satellite demonstration sites in 7 states and provided physical education for more than 30,000 children. NDN is the "most exciting, challenging and rewarding federally funded endeavor" he has been associated with, Vodola told the conference. In special education, NDN and other dissemination programs have so far only "scratched the surface," he said, but if the experience of Project ACTIVE can be duplicated with similar projects elsewhere, the national dissemination effort "will be remembered as one of the major educational trends that took place during the 20th century."

The Boston conference between special educators and disseminators also just scratched the surface. Each group got to hear a bit about the activities -- and challenges -- facing the other. But here, too, the test, like that of P.L. 94-142, will be whether they can work together, using the resources and abilities of both, to turn the law's promise into reality.

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